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February 16, 2006

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Via Hand Delivery

Karen Hom
Calendar Clerk for the Honorable Judge Spero
United States District Court, Northern District of California
450 Golden Gate
Courtroom A, 15th Floor
San Francisco, California 94102

Re: *Murray v. Covenant Aviation, et al.*, Case No. C05-1029 JCS

Dear Ms. Hom:

Thank you for your telephone message of this morning. As I explained earlier, we represent Defendant NCS Pearson in the above-referenced action. NCS Pearson was served with the summons and complaint on December 20, 2005. Thereafter, Plaintiff and NCS Pearson reached an agreement whereby NCS Pearson would not be required to respond to the Complaint until Plaintiff had obtained the right to sue letter from the EEOC on an amended charge that added NCS Pearson. Plaintiff acknowledges that she will be required to amend her complaint once the right to sue letter is obtained. NCS Pearson will respond to the amended complaint thereafter.

However, since NCS Pearson has not yet appeared formally in the case, we did not receive notice of the Case Management Conference scheduled on February 17, 2006, until February 14, 2006. Plaintiff's counsel left a message indicating that a CMC was set for "next Friday" and that the Court had requested we file a Joint Case Management Statement. I mistakenly believed that the CMC was therefore set for February 24, 2006. Yesterday was the first I learned of this Friday's CMC. We apologize for the confusion on our part and for not filing a Joint Case Management Statement. We will be prepared to address any issues raised by a Case Management Statement at tomorrow's CMC.

Additionally, although I understand that telephonic appearance requests are required one week advance of the CMC, I appreciate your permitting me to appear at tomorrow's CMC by telephone. I will be in Los Angeles, and therefore, cannot attend in person. My contact number there is 310-826-5286. If for some reason the Court is unable to accept a

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long distance number, then please call my assistant, Beverley Huppert, at 415-743-6903, and she will conference me in through our office line.

I spoke to Plaintiff's counsel this morning, and he is aware that we will not be filing a Case Management Statement and that I have requested a telephonic appearance. Should you have any questions or need anything further, please do not hesitate to call. If I am unavailable at the number above, my cell phone number is 415-203-1046. Thank you..

Sincerely,

HOLLAND & KNIGHT LLP

Jennifer M. Kennedy
Jennifer M. Kennedy

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cc: Aaron Gorfein, Esq.

Dated: Feb. 16, 2006

